

# Standards of Conduct Guide



The University of Texas at Dallas

Revised March 2008

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# Purpose

The purpose of the Standards of Conduct Guide (The Guide) is to emphasize the necessity for and the responsibility of all employees of The University of Texas at Dallas (UTD) to become aware of how to perform their duties and responsibilities in compliance with applicable provisions of federal and state laws, regulations, and policies, and with the policies, rules and regulations of the Board of Regents of The UT System and UTD.

While most employees are aware of compliance standards and are sensitive to these issues, we feel that it is beneficial to provide an official guide for use as reference.

The Guide is an outline of some of the laws, policies, rules and regulations that are pertinent to the conduct of employees of UTD. Although The Guide addresses a number of specific laws, policies, rules and regulations, it is not intended to be a comprehensive list of legal and ethical standards, rather it provides employees of UTD with information about and source references for the laws, policies, rules and regulations that have a direct effect on the University and its operations. Specific ethical or compliance questions of employees should be directed to the employee's supervisor, or UTD's Compliance or Ethics Officer.

# Compliance Risk Management Program

The University of Texas at Dallas (UTD) Compliance Program (Program) is intended to demonstrate in the clearest possible terms the commitment of UTD to the highest ethical standards and to compliance with all applicable laws, policies, rules and regulations. The Program direction is provided by a System-wide, Executive-level Compliance Committee representing all major compliance areas. The UT System Compliance Officer is responsible for the execution of the Program. Each UT System component institution has a Compliance Officer and a Compliance Committee. At UTD the Compliance Officer is the Director of Audit and Compliance. For a list of members of the Compliance Committee, please see UTD's Institutional Compliance Program Website at [http://www.utdallas.edu/audit-compliance/audit\\_committee.htm](http://www.utdallas.edu/audit-compliance/audit_committee.htm).

## **INSTITUTIONAL COMPLIANCE SUBCOMMITTEE**

In addition to the Compliance Committee, the President has appointed an Institutional Compliance Subcommittee which is comprised of representatives from the departments across campus. The subcommittee meets quarterly to review the Institutional Compliance Program and to recommend changes to the list of high risk areas requiring proactive monitoring. The responsible person for each high risk area reports quarterly regarding any incidents of non-compliance that have occurred during the quarter. In addition, members of the subcommittee are responsible for ensuring their Risk Assessment and Monitoring Plans (RAMP) are current, reviewing and updating applicable training content, and providing guidance on the selection of annual training modules.

## **COMPLIANCE HOTLINE**

Whenever possible, compliance issues should be addressed through normal administrative channels. However, a reporting procedure has been established at UTD as a way for employees to report instances of suspected non-compliance outside the normal chain of command. This method is intended to preserve confidentiality to the extent allowed by law and assures non-retaliation. UTD has installed a compliance hotline for this purpose. The objective of the hotline is to provide a confidential way for employees to report instances of suspected non-compliance with rules, regulations and policies. Employees should use the hotline when they are not satisfied with their supervisors' response to a compliance issue, or if they fear retaliation by their supervisors.

Employees who call the compliance hotline may remain anonymous. If the caller requests anonymity, no attempt will be made to identify the caller. Information provided by the caller will be treated as confidential and privileged to the extent permitted by applicable law.

To ensure anonymity, the university contracts with an outside service provider to manage its compliance hotline. The company is The Network. The toll free hotline telephone number is 1-888-228-7707. You can also report via the web at <http://www.tnwinc.com/webreport>. Upon receipt of a call, the Network forwards the information to the University's Compliance Hotline Triage Team for resolution. This team consists of the Director of Audit and Compliance, the Assistant Vice President of Human Resources Management, the Associate VP for Administration, the Assistant Provost, and the Compliance Manager.

More information regarding procedures for handling compliance hotline calls may be found in UTD's Institutional Compliance Program web page at [http://www.utdallas.edu/audit-compliance/hotline\\_about.htm](http://www.utdallas.edu/audit-compliance/hotline_about.htm).

# Standards of Conduct

## **ETHICAL STANDARDS**

UTD is obligated to provide its employees with current and adequate information about required standards of conduct. The State of Texas and the Board of Regents of The University of Texas System have defined ethical standards that apply to employees of the UT System. The most complete and current source of information on ethical standards is the UT System Office of General Counsel (OGC) web page, accessible at <http://www.utsystem.edu/ogc/ethics/guide.htm>. Included in this web site is the UT System's Ethics Policy, which is part of the Regents' Rules and Regulations. The Office of General Counsel has also published a Standards of Conduct Digest that provides excerpts from principal state law, Ethics Advisory Opinions, Regents' Rules and Regulations, and System policies involving standards for officers and employees. The Standards of Conduct Digest is available at <http://www.utsystem.edu/ogc/ethics/guide.htm>.

Ethical behavior is expected of every employee of UTD. Management personnel at every level are expected to set an ethical tone at the top and to be role models for ethical behavior in their administrative units. They should create a culture that promotes the highest standards of ethics and encourages everyone in the administrative unit to voice concerns when unethical behavior or incidents of non-compliance with applicable laws, policies, rules or regulations arise. Each employee has an obligation to report any activity that appears to violate such laws, policies, rules and regulations.

Refer to <http://www.utdallas.edu/audit-compliance/documents/EmployeeandManagementResponsibilities.pdf> for the President's letter to all UTD Employees.

## **ETHICS POLICY**

State law requires each state agency to adopt a written ethics policy for its employees, consistent with the standards of conduct provided by state law. It is the policy of The University of Texas at Dallas to require members of the faculty and staff to maintain the highest standards of ethical conduct. In accordance with state law and UTD Policy, faculty and staff members are required to read and follow the information contained in the Ethics Policy. The UTD Ethics Policy is available from the Administrative Policies and Procedures Manual Section D11.110.0 at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/d111100.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/d111100.pdf) and the Texas Government Code regarding Standards of Conduct is available at <http://tlo2.tlc.state.tx.us/statutes/docs/GV/content/htm/gv.005.00.000572.00.htm#572.051.00>.

The Ethics Policy focuses on conflicts of interest, including providing a definition and potential situations that would present a conflict of interest. A conflict of interest exists when you owe a professional obligation to the university that is or might be compromised by the pursuit of outside interests. Outside interests, such as professional activities, personal financial interests, or the acceptance of gifts from third parties, can create conflicts between the interests of the university and your private interests and may prevent you from making decisions that are in the best interest of the university. Even if those outside interests do not actually impair your ability to act in the best interest of the university, it may appear to the public that your independence of judgment has been affected. The purpose of the policy is to provide an executive summary of conflict of interest laws, rules, and policies, all of which are intended to preserve the public trust in UTD's integrity by preventing bias or the appearance of bias in decision-making.

# Contacts with Media, Government, and Outside Investigators

## **CONTACTS WITH MEDIA**

The Vice President for Communications acts as the spokesperson for UTD. If an employee is contacted by a member of the media regarding a sensitive matter internal to the University, the media representative should be referred to the Office of Communications; however, employees are not restricted with respect to their personal opinions or with respect to their areas of professional expertise. Employees, when talking to the media, should be careful not to disclose information that is confidential or secure by law and should be sensitive to the needs of colleagues and others regarding the privacy of information.

Under the Texas Public Information Act, documents generated in the regular course of business of UT Dallas are public unless they fall into various exempt categories (such as certain student records, papers related to ongoing litigations, etc.). Any requests for records received from members of the news media should be forwarded to the Vice President for Administration. Refer to <http://www.utdallas.edu/businessaffairs/openrecords/> for additional information.

## **CONTACTS WITH GOVERNMENT AND OUTSIDE INVESTIGATORS**

UTD expects to cooperate in government investigations of UTD and its employees with due consideration given to the legal rights of UTD and its employees. If an employee receives a subpoena, other legal document, or inquiry from a governmental agency related to institutional business, whether at home or in the workplace, that employee is obligated to notify his or her supervisor or other appropriate University official immediately. If contacted at home by an external governmental agent, without search warrant or subpoena, concerning business of UTD, the employee should request that the agent make such contact at work the next business day, and immediately contact his or her supervisor. Additional information regarding contacts with the media, government and outside investigators can be obtained at <http://www.utsystem.edu/policy/ov/uts139.html>.

# Confidential Information

## CONFIDENTIAL INFORMATION

Unless specifically exempted from or made confidential by law, all documents generated in the regular course of business by UTD are potentially available to the public under the terms and conditions of the Texas Public Information Act (refer to <http://www.utdallas.edu/businessaffairs/openrecords/>).

Generally, documentation that is exempted from disclosure includes certain personnel data, student information, patient information, financial data, strategic plans, marketing strategies, supplier and subcontract information, and proprietary computer software. Written requests for documents under the Texas Public Information Act should be handled pursuant to UT System Administration Policy Library – Policy UTS139, accessible at <http://www.utsystem.edu/policy/ov/uts139.html>. UTD's policy regarding the Texas Public Information Act is available in the UTD Administrative Policies and Procedures Manual, Section A, at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual](http://www.utdallas.edu/utdgeneral/business/admin_manual).

## HIPAA

The Health Insurance Portability and Accountability Act (HIPAA) requires health providers, insurers and others to use standard formats for health information. Having one format saves money, but it also means more chances that your information might not be private. To protect privacy, Congress put privacy rules into HIPAA.

The rules apply to UTD because:

- 1) UTD staff provide treatment to patients at the Callier Center,
- 2) Certain UTD staff use health information covered by HIPAA in their research.

UTD employees must protect private information by adjusting their computer monitors so information can't be seen by others, keeping files and keys secure, using secure recycling to discard private information, never sharing passwords with anyone, not releasing information without checking with a supervisor. If you work with health information covered by HIPAA, specific training will be provided to you by your supervisor. UTD's policy regarding the privacy of patient health information under HIPAA is contained in UTD's HIPAA Privacy Manual, available at <http://www.utdallas.edu/hrm/fac-staff/hipaaprivmantoc.php5>.

## **FERPA**

Family Education Rights & Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Generally, schools must have written permission from the eligible student to release any information from a student's educational records. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting agencies;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell eligible students about directory information and allow eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a course schedule, student handbook or newspaper article) is left to the discretion of each school.

## **CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS (SSNs)**

UTD follows the UT System (UT System Policy 165) guidelines for faculty, staff and students, which are intended to help assure that your SSN and the SSNs of others remains confidential:

- You may not request disclosure of a social security number if it is not necessary and relevant to the purposes of the university and the particular function for which you are responsible;
- You may not disclose social security numbers to unauthorized persons or entities;
- You may not seek out or use social security numbers relating to others for your own interest or advantage;
- If you are responsible for the maintenance of records containing social security numbers, you must observe all institutionally-established administrative, technical, and physical safeguards in order to protect the confidentiality of such records, and
- You are required to report the inappropriate disclosure of social security numbers in a prompt manner. The report may be made by contacting your supervisor, the Chief Information Security Officer at ext. 6855, or by calling the compliance hotline at 1-888-228-7707.

Additional information regarding UTS165 can be obtained at <http://www.utsystem.edu/policy/ov/uts165.html>.

## **GRAMM-LEACH-BLILEY**

The “**Gramm-Leach-Bliley Financial Modernization Act**” includes provisions to protect consumers’ *personal financial information* held by financial institutions.

- Higher education institutions are considered financial institutions by the Federal Trade Commission, and must implement security measures to protect “customer information” that is personally identifying—information such as names, addresses, account and credit card information, and Social Security numbers.
- At UTD, this primarily includes the Bursar’s and Financial Aid Offices.

# Records Retention

## RETENTION AND DISPOSAL OF RECORDS

UTD recognizes the need for orderly management and retrieval of all official records and a documented records retention and destruction schedule that is consistent with state and federal laws and regulations. The UT System policy for records management may be found at <http://www.utsystem.edu/records/>.

Questions about specific record retention requirements should be directed to the Record Retention Officer. At UTD this is the Director of Business Services. For Grants and Contracts and Research-related items, please contact the Vice President for Research. UTD's records retention policy and records retention schedule are located in the UTD Administrative Policies and Procedures Manual, Section A, located at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual](http://www.utdallas.edu/utdgeneral/business/admin_manual).

## ACCURACY OF RECORDS

Employees of UTD are required by state law and UTD policy to maintain the integrity and accuracy of business documents and records for which they are responsible. No one may falsify, and no one without the authority may alter information on any record or document.

Additional information is available at:

- UTD Records Retention Schedule  
[http://www.utdallas.edu/business/admin\\_manual/pdf/REC-2003-rev.pdf](http://www.utdallas.edu/business/admin_manual/pdf/REC-2003-rev.pdf)
- UTD Administrative Policies and Procedures Manual, Section A on Records Management & Retention  
[http://www.utdallas.edu/business/admin\\_manual/pdf/a11000.pdf](http://www.utdallas.edu/business/admin_manual/pdf/a11000.pdf)
- U.T. System Policy - Records Management and Retention  
<http://www.utsystem.edu/records/RMpolicy.htm>
- Texas State Records Retention Schedule  
<http://www.tsl.state.tx.us/slr/recordspubs/index.html#RRS4>

# Workplace Conduct and Employment Requirements

## **FRAUD, WASTE & ABUSE**

Acts of fraud, waste, and abuse impact the resources of UT Dallas. Such acts may occur through an unintentional act or by deliberate action. The minimization of fraud, waste, and abuse is the responsibility of all employees. Management shall establish and maintain a system of internal control that provides reasonable assurance that acts of fraud, waste, and abuse are prevented and detected. A policy has been established regarding internal investigations of suspected embezzlement, misappropriation, and other fiscal irregularities. Refer to UT System Policy 118 – Statement of Operating Policy Pertaining to Dishonest or Fraudulent Activities:

<http://www.utsystem.edu/policy/ov/uts118.html>

### ***Fraud***

A dishonest and deliberate course of action that results in the obtaining of money, property or an advantage to which the person committing the fraud would not normally be entitled. It is the intentional misleading or deceitful conduct that deprives another of his/her resources or rights. Fraud always involves intent and some violation of trust.

Some examples of fraud may include, but is not limited to the following:

- Intentionally falsifying information on an application to gain employment
- Intentionally falsifying any type of records, e.g., medical, payroll, or time records
- Providing false receipts and documentation for any type of reimbursement from UTD
- Accepting or soliciting any gift, favor, or service that might reasonably tend to influence an employee in the discharge of his or her official duties, and
- Destruction of records, furniture, fixtures, or equipment where theft is suspected.

### ***Waste***

Waste occurs when someone makes careless or extravagant expenditures, incurs unnecessary expenses, or grossly mismanages resources. This activity results in unnecessary costs. Waste does not necessarily involve private use or personal gain and almost always signifies poor management decisions and practices, poor accounting controls and/or poor recordkeeping.

Some examples of waste may include excessive or unnecessary purchase of supplies or equipment; purchase of goods at inflated prices; and failure to reuse major resources or reduce waste generation.

## ***Abuse***

Abuse can include the excessive or improper use of a UTD employee or official's position in a manner contrary to applicable laws, policies, or generally accepted practices. This includes intentional destruction, diversion, manipulation, misapplication, misuse of assets, information, systems, relationships, or other resources. Abuse can occur in financial or non-financial settings.

Some examples of abuse may include failure to report damage to state equipment or property, taking products or supplies belonging to UTD, collecting more money than due on expense reimbursements, excessive personal use of telephones, email and the Internet.

## **EQUAL EMPLOYMENT OPPORTUNITY**

UTD does not discriminate against employees or applicants for employment on the basis of race, color, national origin, religion, sex, sexual orientation, age, veteran status, or disability. Information regarding policies on equal employment opportunities is also available in the UTD Administrative Policies and Procedures Manual, Section D, located on the Internet at

[http://www.utdallas.edu/utdgeneral/business/admin\\_manual/personnel.htm](http://www.utdallas.edu/utdgeneral/business/admin_manual/personnel.htm).

## **SEXUAL HARASSMENT AND MISCONDUCT**

UTD is committed to the principle that the working environment should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are not allowed and employees who engage in either form of conduct will be subject to disciplinary action, including termination. The ethics policy of UT System at Series 30105 of the Regents' Rules and Regulations

<http://www.utsystem.edu/bor/rules.htm> includes specific provisions regarding sexual harassment and sexual misconduct. Information regarding UTD's sexual harassment policy is available in the UTD

Administrative Policies and Procedures Manual, Sec. D, located at

[http://www.utdallas.edu/utdgeneral/business/admin\\_manual/personnel.htm](http://www.utdallas.edu/utdgeneral/business/admin_manual/personnel.htm).

## **TIMEKEEPING**

All employees are required to prepare and maintain time sheets to ensure compliance with the federal Fair Labor Standards Act (FLSA) and accurate administration of State compensatory time. At UTD, monthly re-cap timesheets are prepared and submitted to Human Resources Management.

All employees should request time off in advance from their supervisor. If circumstances do not allow an employee to request leave in advance, he or she must notify the supervisor as soon as possible. Supervisors are responsible for promptly reviewing and approving time records and leave requests.

### ***Non-Exempt Time Keeping***

The Fair Labor Standards Act requires maintenance of accurate time and leave records for all non-exempt employees. Guidelines and procedures to determine positions that qualify for exemption under the FLSA are set forth in the UTD Administrative Policies and Procedures Manual, Section D, located at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual](http://www.utdallas.edu/utdgeneral/business/admin_manual).

## **FLSA OVERTIME COMPENSATION**

The Federal Fair Labor Standards Act (FLSA) entitles non-exempt employees of UTD, who are required or permitted to work in excess of forty hours in a work week, to additional compensation for such excess hours by receiving either compensatory time off or payment for overtime at the rate of time and one-half. Information pertaining to overtime compensation for UTD employees, including the need for prior approval of the immediate supervisor or department head, is set forth in UTD's Administrative Policies and Procedures Manual – D3-130.0 located at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/d31300.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/d31300.pdf).

## **STATE COMPENSATORY OVERTIME**

UTD policy permits eligible employees to earn and use state compensatory time. State compensatory time is earned on a straight hour-for-hour basis. Specific guidelines regarding earning and use of state compensatory time are available in UTD's Administrative Policies and Procedures Manual – D3-130.0 located at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/d31300.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/d31300.pdf).

## **FAMILY AND MEDICAL LEAVE ACT**

An employee may request and receive a leave of absence without pay for a specified period of time for specific family and medical reasons defined by the [Federal Family and Medical Leave Act of 1993](http://www.utsystem.edu/bor/rules.htm) (FMLA), as amended, and its accompanying regulations. This leave program has very specific eligibility requirements and restrictions. More detailed information is available in Regents' Rules and Regulations, Series 30201, located at <http://www.utsystem.edu/bor/rules.htm>. In addition, UTD's policy regarding the Family Medical Leave Act is available in the UTD Administrative Policies and Procedures Manual – D6.155.0 located at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/d61550.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/d61550.pdf).

## **OUTSIDE EMPLOYMENT**

The primary employment responsibility of full-time faculty and staff is to UTD. Outside professional commitments should not interfere with a faculty or staff member's responsibility to UTD. According to Regents' Rules and Regulations, no member of the faculty or staff should accept outside employment, temporary or regular, that actually or potentially results in any conflict of interest with, or intrudes upon or detracts from the individual's responsibilities to, the UT System and the component institutions, or to the programs, policies, and objectives of the UT System and the component institutions. Consulting and other professional commitments that present conflicts of interest or that may impinge upon an employee's institutional commitments are to be avoided, even if the outside employment only presents potential problems. No full-time employee shall be employed by an outside entity and shall not receive a retainer fee, or salary, until a description of the nature and extent of the employment has been filed with and approved by the appropriate administrative officials. Regents' Rules and Regulations, Series 30103 specifically addresses the outside employment issue, and it may be obtained at <http://www.utsystem.edu/bor/rules.htm>. UTD's policy on dual or outside employment may be obtained from the UTD Handbook of Operating Procedures, Policy Memorandum 79-I.3-29, located at <http://www.utdallas.edu/provost/docs/PM-29.pdf> and in the UTD Administrative Policies and Procedures Manual – D2.180.0 located at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/d21800.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/d21800.pdf).

## **FINANCIAL INTERESTS**

State laws, court decisions, opinions of the Attorney General, and the policy of the Regents prohibit employees of UTD from having a direct or indirect interest, financial or otherwise, in a corporation or business, engaging in a professional activity, or incurring an obligation of any nature that is in substantial conflict with or might reasonably tend to influence the discharge of the employee's official duties. Information pertaining to the Regents' Rules and Regulations, Series 30104 related to conflicts of interest at <http://www.utsystem.edu/bor/rules.htm>. In addition, further guidance on Conflicts of Interest is available from the UTD Ethics Policy (Administrative Policies and Procedures, Page D11-110.0) at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/d111100.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/d111100.pdf).

# Use of State of Texas Resources

## USE OF STATE-OWNED PROPERTY

UTD property and assets should only be used for state purposes. This applies to during personal time as well as normal working hours. While use of state-owned resources is limited to business purpose, incidental personal use is permitted by the UTD Information Resources Use and Security Policy. It is restricted to UTD authorized users only and does not extend to family members or other acquaintances. It must not interfere with performance of normal duties or activities, must not result in direct costs to UTD, and must not expose UTD to unnecessary risks. Employees are asked to direct any questions about the use of UTD property to their supervisor. Information regarding the use of state-owned property may be obtained at the following websites:

UTD Information Resources Acceptable Use Policy -  
[http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/a51300.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/a51300.pdf)

UTD Information Resources Use and Security Policy -  
[http://www.utdallas.edu/business/admin\\_manual/pdf/a51100.pdf](http://www.utdallas.edu/business/admin_manual/pdf/a51100.pdf)

UT System Policy 165 – Information Resources Use and Security Policy -  
<http://www.utsystem.edu/policy/ov/uts165.html>

Ethics Guide Published by the Office of General Counsel -  
<http://www.utsystem.edu/ogc/ethics/guide.htm>

## INFORMATION: SECURITY AND ACCEPTABLE USE

UTD information resources may be used only for official state purposes. While use of state-owned resources is limited to business purpose, incidental personal use is permitted by the UTD Information Resources Use and Security Policy. It is restricted to UTD authorized users only and does not extend to family members or other acquaintances. It must not interfere with performance of normal duties or activities, must not result in direct costs to UTD, and must not expose UTD to unnecessary risks.

Every UTD employee has a responsibility for maintaining the security and confidentiality of UTD's information resources and must comply with information security policies and procedures. An employee may access or disclose confidential and sensitive information only as permitted by contract, state or federal law or regulation, the scope of the employee's employment, or approved UTD policy. Information regarding the security and acceptable use of information may be obtained at <http://www.utsystem.edu/policy/ov/uts165.html> and UTD Administrative Policies and Procedures Manual A5.130.0 at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/a51300.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/a51300.pdf). In

addition, visit the UTD Information Security Policy website at <http://www.utdallas.edu/ir/security/Policies.htm> for more information.

## **COMPUTER SOFTWARE**

Employees who use software licensed to UTD must abide by applicable software license agreements and may copy licensed software only as permitted by the license. Questions regarding applicable software license agreements should be forwarded to appropriate supervisors or UTD's Office of Information Resources. Information regarding the use of computer software may be obtained at following websites:

- <http://www.utdallas.edu/ir/security/PoliciesCopyright.htm>
- <http://www.utsystem.edu/policy/ov/uts165.html>
- <http://www.utdallas.edu/ir/policies/using-sw.htm>

## **COMPUTER ACCESS, PASSWORDS AND OTHER CONFIDENTIAL INFORMATION**

No UTD employee (administrator, faculty or staff) may knowingly access a computer network or system without the consent of the owner, nor may any employee intentionally or knowingly disclose a password, identification code or number, debit card or bank account number, or other confidential information about a computer security system without the consent of the person employing the security system. Information regarding computer access, passwords and other confidential information may be obtained at <http://www.utsystem.edu/policy/ov/uts165.html> and UTD Administrative Policies and Procedures Manual A5.130.0 at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/a51300.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/a51300.pdf). In addition, visit the UTD Information Security Policy website at <http://www.utdallas.edu/ir/security/Policies.htm>

# Copyright and Intellectual Property

## PHOTOCOPYING OF COPYRIGHTED MATERIAL

Most materials are protected, even if they do not show the familiar © copyright notice, since it is no longer required; thus, assume works are protected unless you are able to determine for certain that they are in the public domain. The UTD policy on photocopying copyrighted material may be obtained from the UT Dallas Handbook of Operating Procedures, Policy Memorandum 84-I.3-46 *Policy Regarding Photocopying Copyrighted Materials*, at <http://www.utdallas.edu/provost/docs/PM-46.pdf>.

For infrequent or one-time events, if the copying is not fair use, permission must be obtained from the copyright owner to make the photocopies. The Office of General Counsel explains fair use in “Fair Use of Copyrighted Materials” available at <http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm>.

## INTELLECTUAL PROPERTY

The Board of Regents owns the intellectual property created by its students and employees if the intellectual property is created by an employee within the scope of employment; created by an employee on UT System time with the use of UT System facilities or state financial support; commissioned by UT System pursuant to a signed contract; fits within one of the nine categories of works considered works for hire under copyright law; or results from research supported by federal funds or third party sponsorship. An employee must disclose the intellectual property created by the employee to the component institutions' Intellectual Property Advisory Committee well before the employee submits any information about the intellectual property for publication, or makes any public disclosure or even a private disclosure to a commercial entity. Policies regarding intellectual property may be obtained at <http://www.utsystem.edu/BOR/rules.htm> (Regents' Rules and Regulations, Series 9000). The UT System intellectual property policy allocates the ownership of copyright in scholarly work created by faculty members in their fields of expertise to the faculty member (see Regents' Rules and Regulations, Series 90101). UTD's Intellectual Property Policy may be obtained from the U. T. Dallas Handbook of Operating Procedures, Policy Memorandum 79-III.27-36, located at <http://www.utdallas.edu/provost/docs/PM-36.pdf>. Additional information on Intellectual Property is available at <http://www.utdallas.edu/research/tt/index.html>.

# Contracts, Agreements and Purchasing

## CONTRACTS AND AGREEMENTS

No employee is authorized to sign a contract or agreement that purports to bind the institution unless that employee has official written delegated authority to do so under the Regents' Rules and Regulations. The only persons authorized to sign contracts at UTD are the President, the Vice President for Administration and the Assistant VP of Procurement Management. Regents' Rules and Regulations, *Series 10501 – Delegation to Act on Behalf of the Board* can be obtained at <http://www.utsystem.edu/BOR/rules.htm>.

## PURCHASING

No employee may expend UTD funds for any purchase unless the person is authorized to make the purchase in accordance with the Regents' Rules and Regulations, *Series 10501 – Delegation to Act on Behalf of the Board* (<http://www.utsystem.edu/BOR/rules.htm>), and unless the purchase is made in accordance with all institutional purchasing procedures, including procedures concerning Historically Underutilized Businesses. Purchases from or sales to an employee of supplies, materials, services, equipment, or property must have the prior approval of the Chancellor or Chief Administrative Officer and the applicable Vice Chancellor, except purchases made at a public auction. Questions regarding UTD's purchasing policies may be directed to the Assistant VP of Procurement Management or may be found in the UTD Administrative Policies and Procedures Manual, Section E, located at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual](http://www.utdallas.edu/utdgeneral/business/admin_manual).

# Health and Safety

## **WORKPLACE HEALTH AND SAFETY AND PROTECTION OF ENVIRONMENT**

All UTD employees should perform their duties in compliance with all applicable institutional policies, federal, state and local laws and standards relating to the environment and protection of worker health and safety. Employees are strongly encouraged to become familiar with and understand how these laws, standards, and policies apply to their specific job responsibilities. Employees should also seek advice from their supervisors or Environmental Health and Safety, as needed. Each employee is responsible for advising the employee's supervisor or Environmental Health and Safety of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken. Information regarding UTD's safety policies and procedures may be obtained at <http://www.utdallas.edu/utdgeneral/business/safety/> or from The University of Texas at Dallas Safety Program Manual available at <http://www.utdallas.edu/utdgeneral/business/safety/newpage/Manuals/Admin.pdf>.

## **DRUG AND WEAPON-FREE WORKPLACE**

The unlawful manufacture, distribution, possession, or use of a controlled substance in or on any premises or property owned or controlled by UTD is prohibited. Any employee who is found guilty (including a plea of no contest) or has a sentence, fine or other criminal penalty imposed by a court for an offense involving a controlled substance that has occurred in or on UTD property shall report such action to his or her supervisor or to the Office of Human Resources within five days. An employee who unlawfully manufactures, sells, distributes, possesses or uses a controlled substance on UTD property, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action, including termination, and may be required to participate satisfactorily in an approved drug assistance or rehabilitation program or both. Information pertaining to the UT System Administration Policy *UTS102 – Drugs and Alcohol Policy* may be obtained at <http://www.utsystem.edu/policy/ov/uts102.html>. In addition, UTD's Drug and Alcohol Policy may be found in the UTD Administrative Policies and Procedures Manual – D11.180.0 at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual/pdf/d111800.pdf](http://www.utdallas.edu/utdgeneral/business/admin_manual/pdf/d111800.pdf).

The unlawful possession of a weapon in or on any premises or property owned or controlled by UTD is prohibited by [Texas Penal Code](#), Chapter 46, § 46.02, § 46.03, and § 46.035, and the Regents' Rules and Regulations, Series 30103 related to Standards of Conduct at <http://www.utsystem.edu/bor/rules.htm>.

For those positions requiring a commercial driver's license, [UT System Policy 113 - Drug and Alcohol Testing Policy for Positions Requiring Commercial Drivers' Licenses](#) prohibits the following:

- 1) Use or possession of alcohol while on duty;
- 2) Use of alcohol during the four hours before reporting to duty a job that requires the performance of a safety-sensitive function;
- 3) Concentrations of alcohol of 0.04 or greater in the employee's system while on duty requiring the performance of safety-sensitive functions; or
- 4) Use during the 8 hours following an accident requiring a post-accident test or until the employee undergoes a post-accident alcohol test, whichever occurs first.

# Political Activities and Contributions

## **POLITICAL ACTIVITIES**

An employee may participate in political activities only if such activities are not conducted during work hours; are in compliance with the Constitution and laws of the State of Texas; do not interfere with the discharge and performance of the employee's duties and responsibilities; do not involve the use of equipment, supplies, or services of UTD; do not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity; do not involve UTD in partisan politics; and do not depict the employee as representing UTD.

For additional information:

- UTD Administrative Policies and Procedures Manual – D11.270.0  
[http://www.utdallas.edu/business/admin\\_manual/pdf/d112700.pdf](http://www.utdallas.edu/business/admin_manual/pdf/d112700.pdf)
- Regents' Rules and Regulations *Series 30103 – Standards of Conduct* may be obtained at  
<http://www.utsystem.edu/bor/rules.htm>

## **POLITICAL CONTRIBUTIONS**

Political contributions from any source of UTD funds are prohibited.

# Gifts and Gratuities

## GIFTS MADE TO INFLUENCE DECISIONS

An employee must not accept or solicit any gift, favor, or service that might reasonably tend to influence the discharge of the employee's official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct. Regents' Rules and Regulations, *Series 30104 – Conflict of Interest*, may be obtained at <http://www.utsystem.edu/bor/rules.htm> and UTD Administrative Policies and Procedures Manual, Section D, located at [http://www.utdallas.edu/utdgeneral/business/admin\\_manual](http://www.utdallas.edu/utdgeneral/business/admin_manual).

## GIFTS FROM PERSONS INTERESTED IN A UTD TRANSACTION

An employee must not solicit, accept, or agree to accept any benefit from a person the employee knows may have, or is interested in having a business relationship with UTD, except as permitted under Section 36.10 of the Texas Penal Code. If in doubt, do not accept a benefit offered to you because you are a UTD employee (Texas Penal Code, Section 36.08). The Texas Penal Code can be accessed at <http://tlo2.tlc.state.tx.us/statutes/pe.toc.htm>.

According to Section 36.10 of the Texas Penal Code, if the gift is not in consideration of any official action, you may accept:

- 1) Non-cash items worth less than \$50. (Cash or checks in any amount may never be accepted.)
- 2) Food, lodging, transportation, or entertainment in any amount if you accept them as a "guest." As a general rule, for you to accept something as a guest, the donor must be present. Additionally, you should be aware that special rules apply to the acceptance of lodging or transportation if the donor is a lobbyist registered with the Texas Ethics Commission.
- 3) Gifts from a person such as a friend, relative, or business associate with whom you have a relationship independent of your official status, if the gift is given on account of that relationship rather than your official status.

Examples of an official action include a vote, a recommendation or any other exercise of official discretion such as awarding of a contract or agreeing to purchase. If in doubt, do not accept a benefit offered to you because you are a UTD employee.

**Important Note:** Any employee who works with student loan lenders have more restrictive rules regarding gifts. This includes employees who work in Financial Aid as well as any other department on campus who interface with student loan lenders. No one can accept a gift valued more than \$25 from any student loan lender. Employees in Financial Aid will receive special training annually from their supervisors. Please consult with your supervisor before accepting any gifts.

**Question:** *What if someone I deal with in an official capacity (not a UTD employee) offers to buy my lunch?*

**Answer:** It's okay as long as it's not solicited or in consideration of any official action. The 'rule of thumb' is a limit of no more than \$50 value per person per day.

**Question:** *What if someone offers me tickets to a game or show? Can I accept the tickets?*

**Answer:** It's okay as long as it's not solicited or in consideration of any official action. If the value of the tickets is greater than \$50, a representative of the entity/organization paying for the tickets must be present at the event (you must be their guest).

## **HONORARIUM**

An employee must not solicit, accept, or agree to accept an honorarium for services that the employee would not have been asked to provide except for the employee's official position or duties. Additional information regarding honorariums may be obtained at

<http://www.ethics.state.tx.us/guides/G05o&e.htm#Honoraria>.

**Question:** *I am one of the leading experts in the field of architectural engineering. Because of my recent research and published articles, I was asked to speak at an upcoming conference in a few months. The conference organizer is offering me \$500 as an honorarium in exchange for my time. Am I allowed to accept the honorarium?*

**Answer:** Yes, you are allowed to accept the honorarium because you were asked to present at the conference on the basis that you are an expert in the field and not because of your official position with UTD.

# Frequently Asked Questions

## Contacts with Media, Government, and Outside Investigators

**Question:** *I received a call from a newspaper reporter who wanted to speak to somebody about student enrollment statistics for all of UT Dallas. Since I am not familiar with this subject, how should I direct her call?*

**Answer:** The Office of Communications can help connect reporters with appropriate spokespersons. In identifying the appropriate spokespersons, each office should follow the guidelines established by supervisors and executive officers for their areas. Do not refer a reporter to another office unless you are certain that they are the appropriate office to address the reporter's questions. When in doubt, refer a reporter to the Office of Communications.

**Question:** *Last night there was a knock on my door, and the person identified himself as an FBI agent. The agent wanted to talk with me about my work at UTD. Should I have talked with him?*

**Answer:** Unless the FBI agent has a search warrant or a subpoena, you should ask the agent to contact you at the office the next business day, then immediately contact your supervisor. Should the FBI agent produce a search warrant or subpoena, if possible, notify your supervisor before you answer any questions from the agent.

## Confidential Information

**Question:** *I received a phone call from a woman asking if I would send her copies of all email and other correspondence our office has sent to state leaders regarding tuition and fees. Should I make copies and send them to her?*

**Answer:** No. This is considered a public information request. Individuals verbally contacting you should be advised to submit their request in writing to the Vice President for Administration. Any public information request must be submitted in writing.

## Records Retention

**Question:** *Our department is very short on space. We have several boxes of correspondence files that we're ready to get rid of. Can we go ahead and just toss them?*

**Answer:** No. UTD has a formal retention schedule that should be followed by everyone. Each department has its own schedule that outlines the retention period for records. There are procedures that must be followed to destroy most types of records. Your departmental records coordinator is the best resource for more information or you can contact the Director of Business Services.

**Question:** *I'm fairly new here, but I've already got over 1000 messages in my Outlook inbox. I'd like to clean it out, but I'm afraid I might violate policy. Is email subject to the Records Retention Schedule?*

**Answer:** Yes, email is subject to records retention, but this does not mean you have to keep all your email. The retention of a document (or message) depends on the content and authorship of the document – not on whether it is in paper or electronic form. Unless you are receiving business-related email from outside UTD or which documents a business activity not documented elsewhere, you can most likely delete the vast majority of the messages you receive. Internal memos, announcements, and informational items that you receive are considered “transitory” in terms of records retention. You can get rid of these as soon as they have served their informational purpose to you. If you author documents or receive business email from outside customers or business partners, you may have an obligation to retain certain messages. Discuss your particular documents with your departmental records coordinator or the Director of Business Services.

## Workplace Conduct and Employment Requirements

**Question:** *My co-worker is sending me jokes via email that contain offensive content. I've asked her to stop, but she continues to send them. What can I do?*

**Answer:** Since the emails continued after you asked her to stop, immediately contact your supervisor or Human Resources Management. An investigation will be conducted and appropriate action will be taken.

**Question:** *My supervisor makes remarks laden with sexual innuendo clearly directed at me. What can I do?*

**Answer:** You should ask your supervisor to stop the remarks; however, if you don't feel comfortable talking to your supervisor, contact the Equal Employment Opportunity officer of Human Resources Management immediately.

**Question:** *My wife and I are adopting an infant next month. Am I eligible for Family Medical Leave? How long may I take off?*

**Answer:** You could be eligible for FMLA. FMLA allows for a total of 12 work weeks off. Check with Human Resources Management for specific eligibility requirements and for information on requesting leave.

**Question:** *May I work at Keeton Park Golf Course at times when I am not working my normal hours at UTD?*

**Answer:** Possibly. Working at Keeton Park Golf Course most likely does not present a conflict of interest. According to the Regents' Rules and Regulations, an employee must receive approval prior to accepting any outside employment.

**Question:** *One of our vendors has asked me to handle their bookkeeping for them on the weekends. Is there anything wrong with this?*

**Answer:** Yes. You may not accept employment from any outside firm that also does business with UTD. Whenever in doubt, check with your supervisor or the Vice President for Administration.

**Question:** *I've been buying stock in a company that does business with UTD. After my next purchase, I'll own more than 10% of the company. Does this pose a problem?*

**Answer:** Potentially. In addition, if you have the authority to award contracts, select vendors, or influence purchases of goods or services, then you must report your ownership on the financial disclosure and conflict of interest statement filed with your department head.

## **Health and Safety**

**Question:** *I accidentally cut my finger on the paper cutter and will most likely need stitches. Do I need to report this to anyone?*

**Answer:** Yes. You should always report any job related injury, no matter how small, to your supervisor and the UTD Worker's Compensation Claims Analyst by calling 972-883-2381 or 972-883-4111. Additional information is available at [http://www.utdallas.edu/business/safety/newpage/wc\\_index.html](http://www.utdallas.edu/business/safety/newpage/wc_index.html)

**Question:** *I have seen one of my co-workers selling drugs in the parking lot to other employees. What should I do?*

**Answer:** Report this activity immediately to the UTD Police.

**Question:** *Is it okay to have an alcoholic beverage during my lunch break while off campus?*

**Answer:** The use of alcohol, while not on duty, that adversely affects job performance or may adversely affect the health or safety of other employees, students, visitors, or patients is prohibited by the UTD Drugs and Alcohol Policy - [http://www.utdallas.edu/business/admin\\_manual/pdf/d111800.pdf](http://www.utdallas.edu/business/admin_manual/pdf/d111800.pdf).

### **Use of State of Texas Resources**

**Question:** *A sales representative has asked me to immediately sign a “purchase agreement” because the product price will increase tomorrow. May I sign such an agreement?*

**Answer:** No. This is a contract for purchasing goods and services and must be approved by Procurement Management.

**Question:** *My son calls me each day when he gets home from school. Since it’s a personal call on a UTD owned phone, am I breaking any rules?*

**Answer:** No. As a general rule, the personal use of any UTD property or asset is prohibited; however, incidental personal use of email, telephone, or the Internet that complies with applicable UTD policies, and does not result in additional cost is okay. [Texas Ethics Commission Advisory Opinion No. 395](#) also addresses the issue of personal calls using state property.

**Question:** *When I was out yesterday with a cold, I called the office and asked another UTD employee to check my email and calendar; however, to do this, I had to reveal my password. Was this wrong?*

**Answer:** Yes. It is a violation of the [UTD Information Resources Acceptable Use Policy](#) to disclose your computer password. Computer passwords should be considered highly confidential and should never be disclosed to anyone. Data that is protected by passwords would be vulnerable to damage, theft, or disclosure. If you have a computer and an Internet connection, you can access your Outlook calendars and email from home by going to <https://webmail.utdallas.edu/> to log on and access your account. You can also access this site through the email link on Galaxy.

## **Gifts and Gratuities**

**Question:** *I attend conferences on a regular basis, and I always see vendors offering raffle prizes such as MP3 players and digital cameras. Can I enter my business card in the drawing for prizes?*

**Answer:** No, you should not participate in the prize drawing. Accepting a gift from a vendor (even if the gift was won through a raffle) creates the appearance of a conflict of interest and must be avoided.